

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DANA D'ABBRACCI,

CASE NO. C22-1738 RSM

**Plaintiff,**

## ORDER OF DISMISSAL

V.

BRENT J. REID, ET AL.,

## Defendants.

This matter comes before the Court on Plaintiff's "Notice of Voluntary Dismissal pursuant to F.R.C.P. 41(a)(1)(A)(i)," Dkt. #17, and Defendants' Motion to Dismiss, Dkt. #16.

Rule 41(a)(1)(A)(i) allows a plaintiff to dismiss her own action without a court order by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment. Defendants have filed neither an answer nor a motion for summary judgment; instead, they have filed a Motion to Dismiss, Dkt. #16. It does not appear that Plaintiff has previously filed a lawsuit with these claims and nothing in Defendants' Motion to Dismiss justifies dismissal with prejudice. Accordingly, The Court FINDS and ORDERS that, pursuant to Rule 41, the above Notice dismisses this action without prejudice. All pending Motions are STRICKEN as moot. This case is CLOSED.

DATED this 5<sup>th</sup> day of May, 2023.

*[Signature]*

**RICARDO S. MARTINEZ  
UNITED STATES DISTRICT JUDGE**